

. 10/559,395

Patent

## DITTHAVONG &amp; MORI, P.C.

10507 BRADDOCK ROAD  
SUITE A  
FAIRFAX, VIRGINIA 22032  
703-425-8501 (PHONE)  
703-425-8518 (FAX)

## FACSIMILE TRANSMITTAL SHEET

TO:	US Patent and Trademark Office	FROM:	Phouphanomketh Ditthavong Reg. No. 44658
COMPANY:	Office of Initial Patent Examinations Filing Receipt Corrections	DATE:	5/12/2006
FAX NUMBER:	703-305-9822	TOTAL NO. OF PAGES INCLUDING COVER:	9
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	01012-1032
RE:	Request for Corrected Filing Receipt	YOUR REFERENCE NUMBER:	10/559,395

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

U.S. National Stage Patent Application No. 10/559,395 of PCT/EP04003251

Title: METHOD AND TESTER FOR DETERMINING THE ERROR RATE OF A  
MOBILE RADIO DEVICE WITH VARIABLE BLOCK ALLOCATION

Filed: December 5, 2005


Dear Sir/Madam,

Enclosed please find a Request for Corrected Filing Receipt for the above referenced patent application. Also enclosed is a marked copy of the Filing Receipt along with a copy of an Assignment Document.

Sincerely,

Ditthavong &amp; Mori, P.C.

Phouphanomketh Ditthavong

CERTIFICATE OF FACSIMILE TRANSMISSION			
I hereby certify that this correspondence is being transmitted to: Commissioner for Patents, Alexandria, VA 22313-1450 on this date:			
Type or printed name	Sachiko Reynolds		
Signature		Date	May 12, 2006

This facsimile communication contains information that may be confidential, be protected by the attorney-client or other applicable privileges, or constitute non-public information. It is intended to be conveyed only to the designated recipient(s). If you are not an intended recipient of this message, please notify the sender and destroy the communication. Use, dissemination, distribution, or reproduction of this communication by unintended recipients is not authorized and may be unlawful.

10/559,395

Patent

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Ralf PLAUMANN et al.	
Application No.:	10/559,395	Group Art Unit: 2133
Filed:	December 5, 2005	Examiner: Not yet assigned
Attorney Docket No.:	01012-1032	
Client Docket No.:	P28021/US	

For: METHOD AND TESTER FOR DETERMINING THE ERROR RATE OF A  
MOBILE RADIO DEVICE WITH VARIABLE BLOCK ALLOCATION

Commissioner for Patents  
Alexandria, VA 22313-1450

**REQUEST FOR CORRECTED FILING RECEIPT**


Dear Sir:

The Filing Receipt erroneously indicates the first inventor's residence as Forstem and the German Patent Application Number as 103 25 2988.6. However, the correct spelling of the city is Forstern and the correct Application Number is 103 25 288.6 as stated on the Declaration, a copy of which is enclosed.

Therefore, it is respectfully requested that a Corrected Filing Receipt be issued to reflect the correct name of the city and the Application Number.

5/12/06  
Date

Respectfully Submitted,  
DITTHAVONG & MORI, P.C.

  
Phouphanomketh Ditthavong  
Attorney for Applicant(s)  
Reg. No. 44658

Phouphanomketh Ditthavong  
10507 Braddock Road  
Suite A  
Fairfax, VA 22032  
(703) 425-8508



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/559,395	12/05/2005	2133	900	01012-1032	4	14	2

CONFIRMATION NO. 5594

Phouphanomketh Ditthavong  
 Ditthavong & Carlson  
 Suite A  
 10507 Braddock Road  
 Fairfax, VA 22032

RECEIVED  
 WITH THANKS

MAR 27 2006

FILING RECEIPT



\*OC000000018253941\*

DITTHAVONG &amp; MORI, P.C.

Date Mailed: 03/15/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

*Forstern*  
 Ralf Plaumann, *Forstern* GERMANY;  
 Rudolf Schindlmeier, Gilching, GERMANY;

## Power of Attorney:

Phouphanomketh Ditthavong--44658

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP04/03251 03/26/2004

## Foreign Applications

GERMANY 103252988.6 06/04/2003

*103 25 288.6*

If Required, Foreign Filing License Granted: 03/09/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/559,395**

Projected Publication Date: 06/15/2006

Non-Publication Request: No

Early Publication Request: No

**Title**

Method and tester for determining the error rate of a mobile radio device with variable block allocation

**Preliminary Class**

714

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

---

### **LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15**

#### **GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted

under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Attorney Docket No.: 01012-1032  
 Client Docket No.: P28021/US

Patent

## **DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

### **ERKLÄRUNG FÜR PATENTANMELDUNGEN MIT VOLLMACHT**

Als nachstehend benannter Erfinder erkläre ich hiermit an Eides Statt:

As a below named inventor, I hereby declare that:

daß mein Wohnsitz, meine Postanschrift und meine Staatsangehörigkeit den im nachstehenden nach meinem Namen aufgeführten Angaben entsprechen,

My residence, post office address and citizenship are as stated below, next to my name.

daß ich nach bestem Wissen der ursprüngliche, ein ursprünglicher, erster und Miterfinder des Gegenstandes bin, für den dieser Antrag gestellt wird und für den ein Patent für die Erfindung mit folgendem Titel beantragt wird:

I believe I am the original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### **METHOD AND TESTER FOR DETERMINING AN ERROR RATE OF A MOBILE-TELEPHONE DEVICE WITH VARIABLE BLOCK ASSIGNMENT**

deren Beschreibung hier beigelegt ist.

the specification of which is attached hereto.

Ich bestätige hiermit, daß ich den Inhalt der oben angegebenen Patentanmeldung, einschließlich der Ansprüche, die eventuell durch einen oben erwähnten Zusatzantrag abgeändert wurde, durchgesehen und verstanden habe.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

Ich erkenne meine Pflicht zur Offenbarung jeglicher Informationen an, die zur Prüfung der Patentfähigkeit in Einklang mit Titel 37, Code of Federal Regulations, § 1.56 von Belang sind.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 (copy attached).

Ich beanspruche hiermit ausländische Prioritätsvorteile gemäß Title 35, US-Code, § 119 (a)-(d), bzw. § 365(b) aller unten aufgeführten Auslandsanmeldungen für Patente oder Erfinderurkunden, oder § 365(a) aller PCT internationalen Anmeldungen, welche wenigstens ein Land ausser den Vereinigten Staaten von Amerika benennen, und habe nachstehend durch ankreuzen sämtliche Auslandsanmeldungen für Patente bzw. Erfinderurkunden oder PCT internationale Anmeldungen angegeben, deren Anmeldetag dem der Anmeldung, für welche Priorität beansprucht wird, vorangeht.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d), or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Priorität beansprucht / Priority Claimed

PCT/EP2004/003251  
 Germany 103 25 288.6

PCT  
 Germany

26 Mar 2004  
 4 Jun 2003

X  
 X

(Nummer / Number)

(Land / Country)

(Anmeldetag / Filing Date)

Ja / Yes

Nein / No

Ich beanspruche hiermit Prioritätsvorteile unter Title 35, US-Code, § 119(e) aller US-Hilfsanmeldungen wie unten aufgezählt.

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

(Aktenzeichen / Application Number)

(Anmeldetag / Filing Date)

Ich beanspruche hiermit die mir unter Title 35, US-Code, § 120 zustehenden Vorteile aller unten aufgeführten US-Patentanmeldungen bzw. § 365(c) aller PCT internationalen Anmeldungen, welche die Vereinigten Staaten von Amerika benennen, und erkenne, insofern der Gegenstand eines jeden früheren Anspruchs dieser Patentanmeldung nicht in einer US-Patentanmeldung, bzw. PCT internationalen Anmeldung in in einer gemäß dem ersten Absatz von Title 35, US-Code, § 112 vorgeschriebenen Art und Weise offenbart wurde, meine Pflicht zur Offenbarung jeglicher Informationen an, die zur Prüfung der Patentfähigkeit in Einklang mit Title 37, Code of Federal Regulations, § 1.56 von Belang sind und die im Zeitraum zwischen dem Anmeldetag der früheren Patentanmeldung und dem nationalen oder im Rahmen des Vertrags über die Zusammenarbeit auf dem Gebiet des Patentwesens (PCT) gültigen internationalen Anmeldetags bekannt geworden sind.

I hereby claim benefit under Title 35, United States Code, Section 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 (copy attached) which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Aktenzeichen / Application Number)

(Anmeldetag / Filing Date)

Ich erkläre hiermit, daß alle in der vorliegenden Erklärung von mir gemachten Angaben nach bestem Wissen und Gewissen der Wahrheit entsprechen, und ferner daß ich diese eidesstattliche Erklärung in Kenntnis dessen ablege, daß wissentlich und vorsätzlich falsche Angaben oder dergleichen gemäß § 1001, Title 18 des US-Code strafbar sind und mit Geldstrafe und/oder Gefängnis bestraft werden können und daß derartige wissentlich und vorsätzlich falsche Angaben die Rechtswirksamkeit der vorliegenden Patentanmeldung oder eines aufgrund deren erteilten Patentes gefährden können.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Als benannter Erfinder beauftrage ich hiermit den (die) nachstehend aufgeführten Patentanwalt (Patentanwälte) und/oder Vertreter mit der Verfolgung der vorliegenden Patentanmeldung sowie mit der Abwicklung aller damit verbundenen Angelegenheiten vor dem US-Patent- und Markenamt:

As named inventor, I hereby revoke all powers of attorney previously given and appoint the following attorney(s) and/or agent(s) with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Stephen C. Carlson, Reg. No. 39,929; Phouphanomketh Ditthavong, Reg. No. 44,658; Margo Livesay, Ph.D., Reg. No. 41,946 and Sangwon S. Kim, Reg. No. 54,221.

Postanschrift / Send Correspondence to:

Phouphanomketh Ditthavong  
DITTHAVONG & CARLSON, P.C.  
10507 Braddock Road, Suite A  
Fairfax, VA 22032

Telephonische Auskünfte / Telephone No.: (703) 425-8508

Full Name of First Inventor (Vorname, ZUNAME): Ralf PLAUMANN

Unterschrift / Signature



Datum / Date

25. November 2005

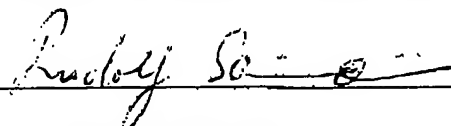
Wohnsitz / Residence: Forstern, GERMANY

Staatsangehörigkeit / Citizenship: German

Postanschrift / Post Office Address: Kirchenstr. 2a, D-85659 Forstern, GERMANY

Full Name of Second Inventor (Vorname, ZUNAME): Rudolf SCHINDLMBIER

Unterschrift / Signature



Datum / Date

25. 11. 2005

Wohnsitz / Residence: Gilching, Germany

Staatsangehörigkeit / Citizenship: German

Postanschrift / Post Office Address: Am Baderwinkel 13, D-82205 Gilching, Germany



## **Title 37, Code of Federal Regulations, Section 1.56**

### **Duty to Disclose Information Material to Patentability**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.